

### **AMENDMENT**

Please amend the claims as shown in Attachment "A".

### **REMARKS**

Claims 7-8, 10-11, 14-15, 17, and 19-26 are pending in the application and are presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

In the outstanding Office Action claim 17 was objected to due to an informality; claims 7-12, 15, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Krystof in view of Hay, II; claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Krystof in view of Hay, II and further in view of Schurig et al.; and claims 13-14 were objected to as dependent on a rejected base claim.

By this Response and Amendment claims 1-6, 9, 12-13, and 18 are canceled; claim 7 is amended to include the limitations of claims 12 and 13 in accordance with the Examiner's indication of allowable subject matter respecting claim 13; claim 17 is amended to correct its informality; and newly submitted claims 19-26 are added.

Newly submitted independent claim 19 corresponds to claim 14 (as previously presented) written in independent form in accordance with the Examiner's indication of allowable subject matter. Newly submitted claims 20-26 correspond to claims 8, 9, 11, 12, 13, 15, and 17 made dependent from claim 19.

It is therefore respectfully submitted that the above amendments introduce no new matter

within the meaning of 35 U.S.C. § 132.

### **Restriction Requirement**

The Examiner reiterated the finality of the restriction requirement respecting claims 1-6.

### **Response**

Claims 1-6 have been canceled by this Response and Amendment.

### **Claim Objection**

The Examiner objected to claim 17 due to an informality.

### **Response**

Applicants thank the Examiner for the suggested amendment to claim 17. However, Applicants believe that the suggested amendment does not correctly describe what Applicants claim their invention to be. In lieu of the suggested amendment Applicants have amended claim 17 to conform its preamble to base claim 7 while clarifying that a combination of two such devices are claimed

Accordingly, reconsideration and withdrawal of the objection is requested.

### **Rejection under 35 U.S.C. § 103(a)**

Claims 7 – 12, 15, 17 and 18 were rejected.

### **Response**

By this Response and Amendment claims 9, 12, and 18 have been canceled thereby rendering their rejections moot.

Claim 7 has been amended to include the limitations of claims 9, 12, and 13 in accordance with the Examiner's indication of allowable subject matter respecting claim 13. Claim 7 is therefore asserted to now be allowable. Claim 11 has been amended to depend from claim 7. Claims 8, 10-11, 14-15, and 17, each ultimately dependent from claim 7, are asserted to now be allowable for at least the same reasons that claim 7 is now allowable.

Newly submitted claims 19-26 have been added. Newly submitted independent claim 19 corresponds to allowable claim 14 (as previously presented) written in independent form to include the limitations of base claim 7 and intermediate claim 10, in accordance with the Examiner's indication of allowable subject matter respecting claim 14, and is therefore asserted to be allowable. Newly submitted claims 20-26 correspond to claims 8, 9, 11, 12, 13, 15, and 17 made dependent from claim 19 and are asserted to be allowable for at least the same reasons that claim 19 is allowable.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

### **Allowable Subject Matter/Newly Submitted Claims**

Claims 13-14 were objected to as dependent on a rejected base claim but were indicated as being allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

## **RESPONSE**

The Examiner's indication of allowable claims is noted with appreciation.

Base claim 7 has been amended to include all of the limitations of allowable claim 13 and its intermediate claims 9 and 12, in accordance with the Examiner's indication of allowable subject matter respecting claim 13, and is therefore asserted to now be allowable. Claims 8, 10-11, 14-15, and 17, each ultimately dependent from claim 7, are asserted to now be allowable for at least the same reasons that claim 7 is now allowable.

Newly submitted claim 19 corresponds to base claim 7 as amended to include all of the limitations of allowable claim 14 and its intermediate claim 10, in accordance with the Examiner's indication of allowable subject matter respecting claim 14, and is therefore likewise asserted to be allowable. Newly submitted claims 20-26 correspond to claims 8, 9, 11, 12, 13, 15, and 17 made dependent from claim 19 and are asserted to be allowable for at least the same reasons that claim 19 is allowable.

## **CONCLUSION**


In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: January 26, 2004

NATH & ASSOCIATES PLLC  
1030 Fifteenth Street, N.W.  
Sixth Floor  
Washington, DC 20005  
(202) 775-8383

  
\_\_\_\_\_  
Gary M. Nath  
Registration No. 26,965  
Marvin C. Berkowitz  
Registration No. 47,421

**Attachment "A"**  
(Pending Claims)

1. (Canceled)

2. (Canceled)

3. (Canceled)

4. (Canceled)

5. (Canceled)

6. (Canceled)

7. (Currently amended) A device for manufacturing a flexible strip of at least two different masses of a biopolymer flowable with the addition of heat, comprising a casting container which comprises

at least one casting gap for pouring out at least one first mass and comprising a feed device arranged within the casting container, for at least one second mass, and further comprising a cooling device under the casting gap wherein the two masses in the flowable condition are together poured out onto the cooling device in a manner such that they form a certain pattern on the strip,

wherein the feed device for the second mass is at least one injection nozzle whose opening opens out in a region within the casting gap in a manner such that the second material can be enveloped by the first material, the injection nozzle being movably mounted in the casting container; and

wherein at least one injection nozzle or several injection nozzles are arranged at ends of feed tubes which are led through a side wall of the casting container and are

linkedly mounted on this, the feed tubes being movable individually or in groups with a manipulator arranged outside the casting container.

8. (Previously presented) A device according to claim 7, wherein the second mass is intermittently ejectable out of an injection nozzle by way of a metering device.

9. (Canceled)

10. (Previously presented) A device according to claim 7, wherein with respect to a longitudinal direction of the casting gap several injection nozzles are arranged next to one another in the casting container which are movable simultaneously or individually.

11. (Currently amended) A device according to claim 7 [[9]], wherein with respect to a width of the casting gap at least two injection nozzles are arranged next to one another.

12. (Canceled)

13. (Canceled)

14. (Previously presented) A device according to claim 10, with which with respect to a width of the casting gap there are arranged at least two injection nozzles, and wherein at least two injection nozzles are movably arranged next to one another in a manner such that they are capable of intersecting with respect to the longitudinal axis of the casting gap.

15. (Previously presented) A device according to claim 7, wherein the opening of the injection nozzle is displaced back relative to the plane of the casting gap.

16. (canceled)

17. (Currently amended) A device ~~combination of two devices each~~ according to claim 7 in combination with a further said device wherein the cooling machine of each device is a cooling drum and further comprising an encapsulation machine with a pair of moulding rollers rotatable in opposite directions and being able to join the flexible strips as received from the cooling drums in order to form capsules.

18. (Canceled)

19. (New) A device for manufacturing a flexible strip of at least two different masses of a biopolymer flowable with the addition of heat, comprising a casting container which comprises at least one casting gap for pouring out at least one first mass and comprising a feed device arranged within the casting container, for at least one second mass, and further comprising a cooling device under the casting gap wherein the two masses in the flowable condition are together poured out onto the cooling device in a manner such that they form a certain pattern on the strip, wherein the feed device for the second mass is at least one injection nozzle whose

opening opens out in a region within the casting gap in a manner such that the second material can be enveloped by the first material;

wherein with respect to a longitudinal direction of the casting gap several injection nozzles are arranged next to one another in the casting container which are movable simultaneously or individually; and with respect to a width of the casting gap there are arranged at least two injection nozzles, and wherein at least two injection nozzles are movably arranged next to one another in a manner such that they are capable of intersecting with respect to the longitudinal axis of the casting gap.

20. (New) A device according to claim 19, wherein the second mass is intermittently ejectable out of an injection nozzle by way of a metering device.

21. (New) A device according to claim 19, wherein the injection nozzle is movably mounted in the casting container.

22. (New) A device according to claim 21, wherein with respect to the width of the casting gap said at least two injection nozzles are arranged next to one another.

23. (New) A device according to claim 21, wherein at least one injection nozzle or several injection nozzles are arranged at ends of feed tubes which are led through a side wall of the casting container and are linkedly mounted on this.

24. (New) A device according to claim 23, wherein the feed tubes are movable individually or in groups with a manipulator arranged outside the casting container.

25. (New) A device according to claim 19, wherein the opening of the injection nozzle is displaced back relative to the plane of the casting gap.

26. (New) A device according to claim 19 in combination with a further said device wherein the cooling machine of each device is a cooling drum and further comprising an encapsulation machine with a pair of moulding rollers rotatable in opposite directions and being able to join the flexible strips as received from the cooling drums in order to form capsules.